Regd. No. NE 907

The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XXIII Aizawl, Wednesday, 14.12.1994, Agrahayana 23, S. E. 1916, Issue No. 233

NOTIFICATION

THE MIZORAM AGRICULTURAL PRODUCES (RESTRICTION ON MOVEMENT) ORDER, 1994.

WHEREAS it is necessary to protect the economic interests of the native marginal farmers, engaged in the production of indigenous agricultural produces of the land within Mizoram, from unhealthy marketing competition with some middle-men and others who is or are not the native of Mizoram;

AND WHEREAS, it is expedient to prevent outflow of the indigenous agricultural produces of the land, beyond and outside the State of Mizoram, as it is economically detrimental to the major section of the native of Mizoram.

NOW THEREFORE, in exercise of the powers conferred under section 7 of the Bengal Eastern Frontier Regulation 1873 (Regulation 5 of 1873) as adapted, and all other enabling provisions of the said Regulation being extended to any class of persons in Mizoram in like manner as contained in the said Regulation, the Governor of Mizoram hereby makes the following Order, namely :-

1. SHORT TITLE, EXTENT AND COMMENCEMENT -

(1) This Order may be called The Mizoram Agricultural Produces (Restriction on Movement) Order, 1994.

(2) It shall extend to the whole of the State of Mizoram.

(3) It shall come into force with immediate effect.

2. DEFINITIONS- In this Order, unless the context otherwise requires -

(a) "Checkgate" means any checkgate designated by the State Government;
(b) "Government" means the State Government of Mizoram;
(c) "indigenous agricultural produces" means Iskut, chillies, ginger, sesame and raw-cotton, cultivated and produced in Mizoram;
(d) "permit" means a permit issued under clause 6 of this Order.

3. RESTRICTION ON THE MOVEMENT OF AGRICULTURAL PRODUCES

No person shall transport, attempt to transport or abet the transportation of indigenous agricultural produces, to any place beyond the State of Mizoram except under and in accordance with a permit issued by the State Government or any officer authorised by the Government on this behalf:

Provided that nothing contained herein shall apply to the transportation of indigenous agricultural produces—

(i) on Government account; or

(ii) not exceeding fifty kilograms in weight in the aggregate at one time by a bonafide resident of Mizoram for domestic consumption; or

(iii) not exceeding ten kilogram weight in the aggregate by a bonafide traveller as part of his luggage.

4. POWERS OF ENTRY, SEARCH, SEIZURE, ETC—

(1) Any person authorised in this behalf by the State Government may, with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with,–

(i) stop and search, or authorise any person to stop and search, any person, boat, motor or any vehicle or receptacle used or intended to be used for the transport of any of indigenous agricultural produces beyond the State of Mizoram;

(ii) enter and search and authorise any person to enter and search any place;

(iii) seize or authorise the seizure of any of the indigenous agricultural produces in respect of which he suspects that any provision of this Order has been, is being or is about to be contravened, alongwith the receptacle in which such indigenous agricultural produces are found or the vehicles, boats or conveyance used in carrying such indigenous agricultural produces and, thereafter take or authorise the taking of all measures necessary for securing the production of the receptacle, vehicles, boats or conveyances so seized, in a court and for their safe custody pending such production.

(2) The provisions of section 100 of the Code of Crimin ocedure, 1973 (2 of 1974), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

5. POWER OF GOVERNMENT TO MAKE CHECK-GATE AT CERTAIN PLACES –

The State Government shall have powers to make Checkgates at Vairengte, Bairabi, Kanhmun and such other places as it deems fit to check the unauthorised movement of indigenous agricultural produces.

6. POWER TO ISSUE PERMIT, OR ITS CANCELLATIONS –

The State Government or the officer authorised by it in its behalf may issue permit for movement of indigenous agricultural produces to be carried beyond the State of Mizoram for sale with such restrictions or conditions as the Government may deem fit and may require payment of such fees for such permits as the Government prescribes.

7. PENALTY– (1) A permit holder who is found violating the conditions of the permit issued under clause 6 shall be liable to cancellation of his Permit.

(2) A permit holder or any other persons who are found violating any provision of this Order shall be liable on conviction to either a fine not exceeding one thousand rupees or to imprisonment which may extend to one year, or to both.

In case of contravention of any part of this Order, the permit holder would also be banned from any business dealings with any Government agencies of the State of Mizoram for a period of 5 years.

8. REPEAL AND SAVINGS – (1) The Mizoram 'Iskut' (Restrictions on Movement Beyond Inner-Line) Order, 1991 and all other Notifications issued earlier by the Government of Mizoram in the Trade and Commerce Department prohibiting the movement of indigenous agricultural produces namely, Iskut, Ginger, Chillies, Sesame and Raw-Cotton beyond the State of Mizoram except on a specific permit, shall stand repealed.

(2) Notwithstanding such repeal, a direction or any action already taken or purported to be taken in accordance with the provisions under the aforesaid Notification, shall be deemed to have been made, granted or issued under the provisions of this Order.

Anthony Lianzuala,
Secretary to the Government of Mizoram,
Trade & Commerce Department.

Published & Issued by the Controller, Printing & Stationery, Mizoram.
Printed at the Mizoram Govt. Press, Aizawl —800